

the cans, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since a large number of the cans of each product contained less than 16 ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On May 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22384. Adulteration of frozen eggs. U. S. v. Ovson Egg Co. Judgment of guilty. Fine, \$100. (F. & D. no. 30326. Sample no. 7168-A.)**

This case was based on an interstate shipment of frozen eggs, samples of which were found to be sour, musty, putrid, or slightly sour.

On November 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ovson Egg Co., a corporation, trading at Dallas, Tex., alleging shipment by said company, on or about June 30, 1931, from the State of Texas into the State of Louisiana, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Ovson Egg Company Whole Eggs, Chicago, Illinois. \* \* \* A Product of National Dairy."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On June 4, 1934, a plea of not guilty having been entered on behalf of the defendant company and a jury having been waived, the case was tried to the court, judgment of guilty was entered, and a fine of \$100 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22385. Misbranding of olive oil. U. S. v. 38 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30406. Sample no. 31991-A.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On May 4, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cans of olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about April 18, 1933, by the Italian Olive Oil Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contains One Full Gallon \* \* \* C. B. Crisafulli Brand Choicest Pure Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contains One Full Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1934, the Italian Olive Oil Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be emptied into other containers and properly labeled as to the quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22386. Misbranding of olive oil. U. S. v. 27 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30678. Sample no. 32041-A.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On or about July 7, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate